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APR 18 2008

In re Application of :
DEN TOONER, et al. :
Application No.: 10/578,027 :
PCT No.: PCT/IB04/52201 : DECISION ON PETITION
Int. Filing Date: 26 October 2004 :
Priority Date: 31 October 2003 : UNDER 37 CFR 1.137(b)
Atty. Docket No.: NL03 1309 US1 :
For: RADIO-FREQUENCY MICROELECTRO- :
MECHANICAL SYSTEMS AND METHOD OF :
MANUFACTURING SUCH SYSTEMS :
:

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required). Applicant has satisfied items 2-4.

With regard to item 1, the proper response was the submission of an executed oath or declaration of the inventors which complies with 37 CFR 1.497 (a) and (b). Applicant has not submitted a compliant declaration in that the filed declaration does not properly list the inventive entities. For example, the first named inventor, Jacob, M.J. DEN TOONER is listed on the filed declaration with a first and middle name of "Jacob M.J. den" and a family name of "TOONER." In addition, the second listed inventor appears on the published international application as Auke R. VAN DIJKEN while the declaration lists the inventor as "Auke Ronald DIJKEN." Applicant is advised to review 37 CFR 1.63 and the Manual of Patent Examining Procedure (MPEP) section 1893.01(e) for further guidance.

For the reasons stated above, the petition for revival cannot be granted at this time and the application remains abandoned as to the United States.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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